

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO

Case No. 1:22-cv-00072-KG-LF

ADLER MEDICAL, LLC, WALT ARNOLD  
COMMERCIAL BROKERAGE, INC., XUAN  
NATION, LLC, and NM CCIM CHAPTER  
OF THE COMMERCIAL INVESTMENT  
REAL ESTATE INSTITUTE,

Plaintiffs,

v.

BLAINE HARRINGTON III,

Defendant.

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BLAINE HARRINGTON III,

Counter-Plaintiff,

v.

ADLER MEDICAL, LLC, WALT ARNOLD  
COMMERCIAL BROKERAGE, INC., XUAN  
NATION, LLC, and NM CCIM CHAPTER  
OF THE COMMERCIAL INVESTMENT  
REAL ESTATE INSTITUTE,

Counter-Defendants.

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**MOTION FOR SUBSTITUTION OF PARTY  
PURSUANT TO FEDERAL RULE OF CIVIL PROCEDURE 25(a)(1)**

Maureen Harrington (the “Personal Representative”), as personal representative for the estate of defendant/counter-plaintiff Blaine Harrington III (“Harrington”), hereby files this motion to substitute in this action for Harrington, and states as follows:

1. On February 1, 2022, plaintiffs/counter-defendants Adler Medical, LLC (“Adler Medical”), Walt Arnold Commercial Brokerage, Inc. (“Walt Arnold Commercial Brokerage”),

Xuan Nation, LLC (“Xuan Nation”), and NM CCIM Chapter of the Commercial Investment Real Estate Institute’s (“NM CCIM”) (collectively, the “Plaintiffs”) filed their Complaint in this action against Harrington. On February 8, 2022, Harrington filed his Answer, Counterclaim, and Third-Party Complaint.

2. On January 17, 2023, Harrington passed away while filming and taking photographs in South Africa.

3. The Personal Representative is Harrington’s wife and, on March 8, 2023, was appointed or qualified by the Arapahoe County District Court of Colorado as Harrington’s personal representative. A true and correct copy of Letters Testamentary recognizing the appointment of the Personal Representative is attached hereto as Exhibit “A.”

4. The Personal Representative has commenced proceedings in Arapahoe County, Colorado (Case No. 2023-PR-\_30263) for administration of Harrington’s estate.

5. Pursuant to Federal Rule of Civil Procedure 25(a)(1), the Personal Representative moves to substitute herself for Harrington in this matter.

WHEREFORE, the Personal Representative requests that the Court enter an Order substituting the Personal Representative for Harrington in this action.

**LOCAL RULE 7.1(a) CERTIFICATE**

Prior to filing this Motion, undersigned counsel conferred with Jeffrey L. Squires, Esq. (counsel for Plaintiffs/Counter-Defendants) concerning the requested substitution. Mr. Squires indicated that he “may” consent to the substitution, subject to a number of demands for documentation and agreements for nebulous extensions of non-specific deadlines. Although undersigned counsel provided Mr. Squires with evidence of the Personal Representative’s appointment as the personal representative for Harrington’s estate, Mr. Squires to date has not

consented to what is otherwise a perfunctory motion.

Dated: March 23, 2023

COPYCAT LEGAL PLLC  
3111 N. University Drive  
Suite 301  
Coral Springs, FL 33065  
Telephone: (877) 437-6228  
[dan@copycatlegal.com](mailto:dan@copycatlegal.com)

By: /s/ Daniel DeSouza  
Daniel DeSouza, Esq.

**CERTIFICATE OF SERVICE**

I hereby certify that on March 23, 2023, I electronically filed the foregoing document with the Clerk of the Court using CM/ECF, which will electronically serve all counsel of record.

By: /s/ Daniel DeSouza  
Daniel DeSouza, Esq.